

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the County of San Joaquin for an order authorizing construction of a crossing at separated grades between West Lane and the tracks of the Union Pacific Railroad Company, sometimes referred to as the “West Lane Overhead” (PUC No. D-92.8A). (DOT No. 752897L)

Application 01-12-017  
(Filed December 14, 2001)

**O P I N I O N****Summary**

The County of San Joaquin (County) requests authority to construct West Lane at separated grade over the main line tracks of the Union Pacific Railroad Company (UP) in an unincorporated portion of San Joaquin County.

**Discussion**

West Lane is a major north-south arterial street extending from the City of Lodi on the north to the City of Stockton on the south. The roadway is situated on a sharp skew across the railroad tracks, and is located in an unincorporated enclave in the center of the City of Stockton.

The proposed overhead structure will carry West Lane across two existing tracks by means of a 5-span prestressed concrete structure. The proposed structure will provide six 12-foot wide vehicular lanes, two 8-foot wide shoulders, and two 6-foot wide sidewalks. It may be necessary to relocate some of the existing communication and signal lines at the proposed project site. A

temporary impaired vertical clearance of 21 feet 0 inches will be required during construction. Temporary railroad track relocation will not be required during construction.

The existing West Lane at-grade crossing No. D-92.8 (DOT No. 752897L) will continue to be used until completion of the proposed grade separation, at which time it will be closed and removed.

The priority list of grade separation projects for fiscal years 2000-2001 and 2001-2002, as set forth in the Commission Decision 00-08-020, dated August 3, 2000, shows this project as priority No. 20. County proposes to apply for grade separation funds pursuant to Section 190 of the Streets and Highways Code and divide the project cost between the parties under the guidelines of Section 1202.5 of the Public Utilities Code.

The proposed project will result in elimination of an at-grade crossing and will provide an arterial street not subject to disruption by rail movements and will improve safety on West Lane.

County is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Section 21000 et seq. County has determined that the project is categorically exempt from CEQA under PR Code Section 21080.13.

The Commission is a responsible agency for this project under CEQA (CEQA Guideline Section 15096) and has reviewed and considered the lead agency's categorical exemption determination- consistent with its obligations under CEQA. Specifically, we note that Public Resources Code Section 21080.13 provides an exemption from CEQA environmental review for grade separation projects, which eliminate existing grade crossings. Because the proposed grade separation project will result in the elimination of the existing at grade crossing,

we believe that the lead agency properly determined that Section 21080.13 applies to warrant CEQA exemption in this case. Therefore, we adopt the lead agency's finding of exemption for purposes of our approval.

Application 01-12-017 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 39, which relates to alteration of an existing crossing. A sketch of the crossing site is set forth in Appendix A.

The Commission's Rail Safety and Carriers Division, Rail Crossing Engineering Safety Section staff has inspected the site of the proposed project. After reviewing the need for and safety of the proposed construction, the staff recommends that the sought authority be granted.

In Resolution ALJ 176-3079 dated January 9, 2002, and published on the Commission Daily Calendar on January 10, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3079.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Findings of Fact**

1. Notice of the application was published in the Commission's Daily Calendar on December 18, 2001; no protests have been filed. A public hearing is not necessary.

2. County requests authority under Public Utilities Code Sections 1201-1205 to construct West Lane at separated grades over the UP's main line tracks in an unincorporated portion of San Joaquin County, as set forth in Appendix A and as more fully described in the application.

3. Construction of West Lane grade separation is required to improve traffic circulation and safety of motorists.

4. Public convenience, necessity, and safety require the construction of the West Lane grade separation.

5. The existing West Lane at-grade crossing No. D-92.8 will continue to be used until completion of the proposed grade separation, at which time it will be closed and removed.

6. A temporary impaired vertical clearance of 21 feet 0 inches will be required during construction.

7. County is the lead agency for this project under CEQA, as amended.

8. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's categorical exemption determination.

9. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### **Conclusions of Law**

1. The application is uncontested and a public hearing is not necessary.

2. The County found that the proposed grade separation project is exempt from CEQA under Public Resources Code Section 21080.13, and as stated herein, we adopt that finding of exemption for purposes of our approval.

3. The application should be granted as set forth in the following order.

**O R D E R****IT IS ORDERED** that:

1. The County of San Joaquin (County) is authorized to construct West Lane overhead at separated grades over the Union Pacific Railroad Company's (UP) main line tracks in San Joaquin County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing D-92.8-A (DOT No. 752897L).
2. Upon construction of the overhead and its opening to vehicular traffic, the existing at-grade crossing D-92.8 shall be closed and physically removed.
3. Clearances shall be in accordance with General Order (GO) 26-D; except that during the period of construction, a vertical clearance of not less than 21 feet 0 inches above top of rail is authorized, and UP shall be authorized to operate with such reduced overhead clearance provided that the railroad issues instructions (and files them with the Commission's Rail Safety and Carriers Division) limiting the height of loads beneath the structure.
4. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.
5. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans of the crossing approved by UP, shall be filed by the County with the Commission's Rail Safety and Carriers Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. Within 30 days after completion of work under this order, County shall notify the Commission's Rail Safety and Carriers Division in writing that the authorized work has been completed.

7. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

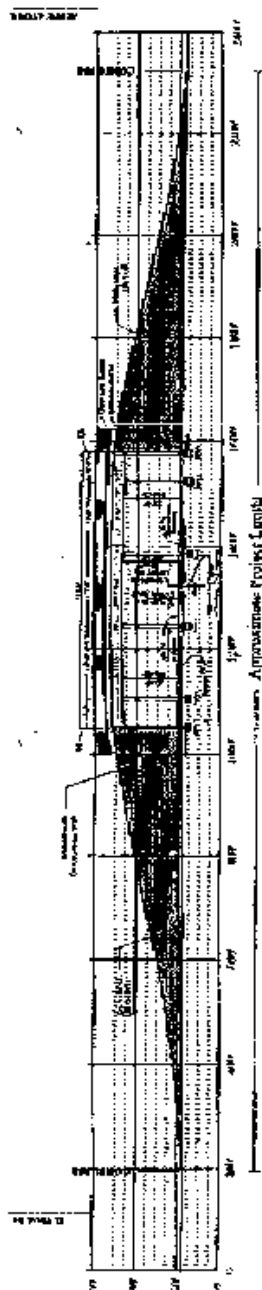
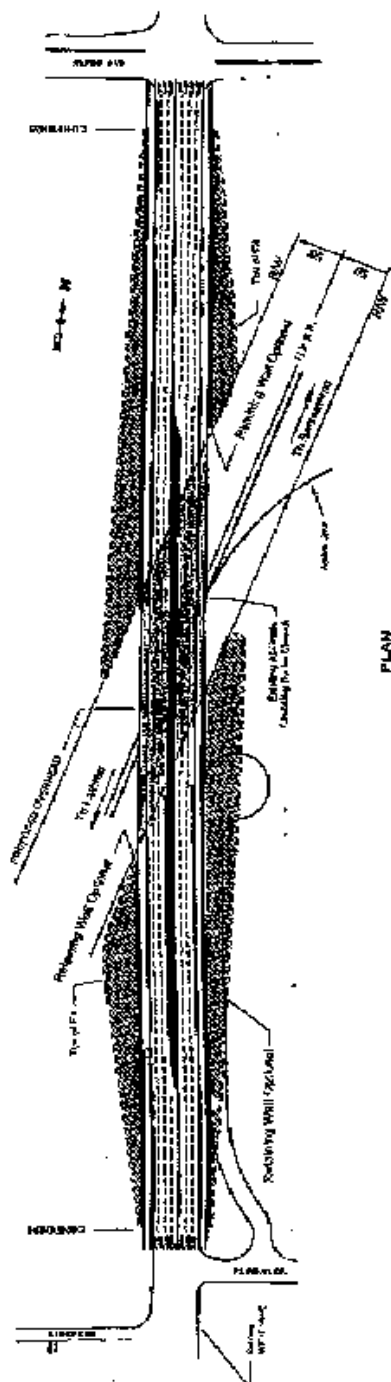
8. The Executive Director shall serve a copy of this order on UP, so that UP is informed of the obligations herein imposed upon it.

9. This application is granted as set forth above.

10. Application 01-12-017 is closed.

This order becomes effective 30 days from today.

Dated \_\_\_\_\_, at San Francisco, California.



**@ UPRR PUC NO. D-92.8A  
General Plan**